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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-ninth session
Agenda item 9

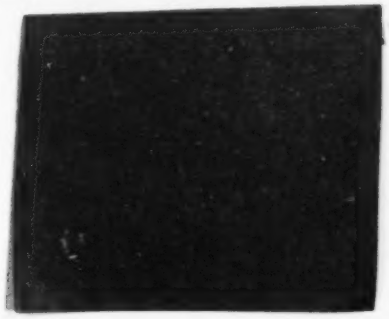
THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Joint written statement submitted by International Association for Religious Freedom, Transnational Radical Party, Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, non-governmental organizations in general consultative status; African Commission for Health and Human Rights Promoters, American Association of Jurists, Habitat International Coalition, Indigenous World Association, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Institute for Non-Aligned Studies, International League for the Rights and Liberation of Peoples, North-South XXI, Pax Romana, War Resisters International, Worldview International Foundation, non-governmental organizations in special consultative status; Centre Europe-Tiers Monde, International Association of Educators for World Peace, International Educational Development Inc., International Falcon Movement, International Federation of Free Journalists, International Institute of Peace, Liberation, Movement against Racism and for Friendship Among Peoples, World Organization against Torture, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 August 1997]

GE.97-13905 (E)



Statement on the Islamic Republic of Iran

1. For years, state-sponsored terrorism has been one of the Iranian regime's main foreign policy instruments of support for terrorist groups and incitement to murder foreign nationals.

2. Following a three-and-a-half year trial in Berlin, last April, Germany's judiciary issued a verdict, on the basis of irrefutable evidence, affirming the role of the most senior leaders of the Iranian regime in state terrorism. It identified the "political leadership" of the regime, including Khamenei and Rafsanjani, as the masterminds behind the assassination of Iranian dissidents in Berlin.

3. Following this unprecedented development, other cases of terrorism involving the mullahs outside Iran, hitherto dormant, became the focus of attention. One such case was that of the assassination on 24 April 1990 in Coppet of Professor Kazem Rajavi, the great advocate of human rights, considered by Tehran as its number one enemy in international human rights forums.

4. This case, despite extensive investigations and relentless efforts by the Swiss investigative magistrate, Judge Roland Chatelain, and the police in the canton of Vaud, which had confirmed the role in this murder of 13 terrorists dispatched from Tehran, did not lead to the expected conclusion, namely the commencement of a trial and the condemnation of the masterminds and perpetrators of this crime.

5. Commenting on the progress of his investigations, on 12 June 1997, Judge Chatelain explained that he was receiving very close cooperation from the German investigators, enabling him to hear new witnesses. As a result, he said, the conclusions on the terrorist group dispatched to Switzerland were confirmed. For example, he had been able to obtain the real identity of the 13 terrorists and the role of each of them in this murder.

6. On the same day, Judge Chatelain told the French news agency that it appeared that the order to murder Kazem Rajavi near Geneva, like that to murder four other dissidents in Berlin, had been issued by a senior Iranian government official. With respect to the links between the murders in Coppet and Berlin, he said that it was clear that the orders for those murders were issued by the same Iranian officials. He stressed that his sources were the same as those who had helped officials in the German court. Judge Chatelain particularly focused on two of the main perpetrators. According to his investigation, Mohsen Sharif Esfahani and Ahmad Taheri were doubtless officials with important posts in the Government of Iran. They were senior members of the Iranian intelligence services, he noted. The fake passports used by the terrorists belonged to Tehran's intelligence services, although Iran said it did not know these people, Judge Chatelain said.

7. By welcoming the two terrorists in December 1993, at the airport, Tehran practically signed its own indictment. The two had spent one year in French jails and were to have been extradited to Switzerland upon the request of

Judge Chatelain and official decree of the Government of France. But pressured and blackmailed by Tehran, France contravened international conventions on terrorism and handed over the two terrorists to Iran.

8. The 13 agents involved in the murder travelled with passports from official Iranian services marked "on assignment". A number of their papers had been issued on the same day in Tehran. Most of them had entered Switzerland on a direct Tehran-Geneva Iran Air flight and their tickets had consecutive numbers.

9. The international media referred to the telegram from the victim's brother, Mr. Massoud Rajavi, to Arnold Koller, the President of the Swiss Federation, on the morning after the murder. In his telegram, Mr. Rajavi, the President of the National Council of Resistance of Iran, identified two Iranian diplomats by the names of Mohammad Akhound-Zadeh Basti, the former Iranian Chargé d'Affaires in the United Kingdom, and Mohammad Ali Hadi Najaf-Abadi, former ambassador to the United Arab Emirates, as having supervised and coordinated the assassination.

10. Fifty-seven years old at the time of his martyrdom, Kazem Rajavi was recognized as Iran's most prominent human rights advocate for his tireless efforts in defence of human rights and the rights of political prisoners under the Shah's regime. After the revolution, he was Iran's first ambassador to the European Headquarters of the United Nations. Owing to his protests over the violations of human rights in Iran, however, he lasted only one year in that position.

11. Professor Rajavi was instrumental in the adoption of a stream of condemnations of the mullahs' human rights violations by international forums, especially the United Nations General Assembly and the Commission on Human Rights. He aroused the mullahs' hatred and received death threats from the Tehran officials at every international venue.

12. Last June, the majority of Swiss parliamentarians issued a declaration addressed to the President of the Swiss Confederation. Referring to the direct role of the Iranian regime in the assassination of Iranian dissidents, including Professor Rajavi, they underscored the need to reopen and reactivate the case of Kazem Rajavi's murder. They emphasized that the Swiss Federal Council and judiciary must undertake the necessary actions regarding the Tehran regime's refusal to extradite two of the killers who were unfortunately returned to Iran by the Government of France.

13. In past years, the Sub-Commission on Prevention of Discrimination and Protection of Minorities directly or indirectly referred to and condemned in its resolutions the cowardly assassination of Professor Rajavi. In the light of the new revelations in the case, the time has come for the Sub-Commission to take immediate decisions as regards this case and to compel the Government of Iran to cooperate with the Swiss judiciary and return those accused of involvement in Professor Rajavi's assassination to Switzerland to face justice.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
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Forty-ninth session
Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Written statement submitted by the African Bureau of Educational Sciences, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 August 1997]

1. The African Bureau of Educational Sciences wishes to advise you of our concerns regarding the current rise of religious and ethnic discrimination occurring in countries worldwide. For example, on 6 June 1997, the Church of Scientology, located in Germany, was placed under surveillance by the German Government for at least one year. The German Government views the Church of Scientology as a commercial venture instead of a religious organization. There has been no proof of illegality or an explanation to date by government authorities for this action. This method of intimidation and censorship constitutes a serious potential for violation of over 30,000 Scientologists' right to freedom of religion, right to freedom of speech and right to privacy.

GE.97-13996 (E)

2. From 20 to 22 July 1997, Lift Every Voice, Inc., in conjunction with a coalition of human rights organizations and American churches, conducted a fact-finding hearing to assess the recent trend of surveillance on Scientologists and other religious groups. We are concerned about the chilling effect this action by the German Government has had on religious groups, such as Charismatic Christians, small philosophical groups, Muslims and racial groups. We respect the request by several religious groups to not mention the names of their members or their places of worship in order to diminish the possibility of retaliation by the German Government. Therefore, we will focus specifically on religious discrimination against the Church of Scientology, the religious group most frequently targeted by the German Government.

3. The surveillance against Scientologists violates the human rights of their members throughout the world. United States Scientologists, musical legend Isaac Hayes and jazz great Chick Corea, who travel and conduct business in Germany, reported violations of their human rights in Germany. Many of Isaac Hayes' artistic appearances in Germany have been cancelled or unconfirmed after he announced that he is a Scientologist. Chick Corea has experienced repeated artistic discrimination since 1993. Last year, after a sell-out concert at the Burghausen jazz festival, he was told that he was banned from all future performances at the festival solely based on his religious affiliation. Thus, these Scientologists' right to a livelihood is being violated in conjunction with their right to freedom of religion.

4. Religion is one of the most fundamental human rights that people value and cherish. Scientologists and other religious groups will lose their right to freedom of religion, and face an even more dangerously repressive future in Germany, if measures are not taken to address these actions of religious and ethnic discrimination.

5. Religious discrimination continues to persist in the United States. Evidence of this can be found in the remains of the rubble of places of worship in minority communities. Unfortunately, white extremist groups are still attempting to build a consensus of racial and religious hate in that country. The National Church Arson Task Force reported that 267 of the places of worship attacked were white and 162 were African-American, including 11 synagogues, 4 mosques and numerous churches. Almost 4 out of 10 (37.8 per cent) of those attacked were at predominantly African-American churches in the southern part of the United States. Many NGOs have stated that these figures are less than the actual number of places of worship burned to the ground. A 1997 report by the Center for Democratic Renewal stated that several white extremist groups are working collaboratively to destroy the spirit and soul of religious and racial groups. The acts of white extremist groups and their attempt to promote religious and racial unrest must not be tolerated by the international community.

6. We want to inform you of many other acts of religious discrimination prevalent against Muslims in the United States. Since the bombing of the World Trade Center, there has been a rise in anti-Islamic attitudes and desecration of mosques, especially in New York City. In February 1997, over 2,000 Muslims at the Staten Island Mosque were evacuated from their place of worship after two bomb threats. The Muslims were celebrating the end of

Ramadan. Harriet Abubakar, Attorney-General for The Lost-Found Nation of Islam, under the leadership and guidance of the Honorable Salis Muhammad, reported that their members have been denied the right to practise their religion in various federal and state prisons, especially in the State of Texas and the State of Georgia.

7. Another illustration of religious discrimination is the recent discriminatory practice of several Christian foster care homes against Muslim children. The Islamic Family Services, a foster care programme for Muslim children, located in New York City, recently was closed. As a result, the children were placed in Christian foster care homes by the local social services department. The Muslim children were forced by Christians to change their Muslim names and attend Christian churches.

8. We salute the work of Mr. Amor and concur with his belief that it is important to develop an international policy on religious tolerance in conjunction with the establishment of a cultural tolerance through teaching, mass media, and religious instruction. We recommend that the Sub-Commission draft a resolution creating a working group on religious intolerance. We also recommend that this working group serve as a forum for religious organizations to provide pertinent information regarding acts of religious discrimination by Governments and extremist groups.

9. It is our hope that such a working group would assist in curtailing the current chilling effect on religious groups of a fear of retaliation by offending Governments.

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Agenda item 5

THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN

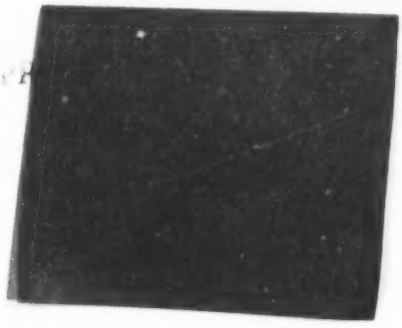
Written statement submitted by Liberation, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[29 August 1997]

1. Liberation is deeply concerned by the new developments in the Sri Lanka-Tamil war concerning the treatment of women. Despite the agreements reached in Beijing and the State's commitment, the current situation of protection and respect of Tamil women's rights is far from being acceptable. This situation has worsened alarmingly in this armed conflict where violence and sexual abuses against Tamil women and girls are used as a weapon of war.

2. The situation of Tamil women in Sinhala military-controlled areas could not be worse. Civilian women are killed, disappeared, tortured, raped, harassed and degraded. There have been more than 200 cases of reported rape in the past year. A frequent happening is the night-time raid, where women are abducted from their shelter in their nightclothes and taken to police stations where they are humiliated, sexually assaulted, tortured, killed and sometimes disappeared.



GE.97-14005 (E)

3. Out of 700 disappearances from 1996 and up to now as reported by Amnesty International, almost half of them are Tamil women, mainly young schoolgirls. Five hundred mothers appealed to the President of Sri Lanka to reveal their children's whereabouts following arbitrary arrest by the military. Tamil parents are reluctant to return from Vanni to their own homes in the peninsula for fear of their daughters' safety. Some parents escort their daughters and sons to schools and wait until the school is over to re-escort their children home in the military liberated areas.

4. Amnesty International issued an urgent action appeal (ASA 37/14/97) on 21 May 1997 regarding Ms. Murugesupillai Koneswary, 36-year-old mother of four children, who was raped in her home at night and killed by a grenade thrown at her genitals to eliminate medical evidences of rape. A presidential commission of inquiry has been set up only at the request of the local member of Parliament to the President.

5. On 12 July 1997, in Alvai, a 20-year-old volunteer teacher, Chandrakala Krishnapillai, was intercepted by Sinhala soldiers on her way back from work and gang-raped. She received treatment at Jaffna Hospital. In the same month, a 17-year-old schoolgirl was gang-raped on her way from school. She also received treatment at the same hospital. When the family was counselled, the father of this girl begged the religious leader not to reveal his daughter's name as this would ruin her future. Therefore, the number of rape cases are much higher than reported.

6. The rapes are not carried out in secret and no attempt is made to conceal their occurrence from other civilians in that area. As such, each rape is an attempt to terrorize and subjugate not only women themselves, but also all who see and hear of it. Undesired pregnancies and other sexual abuses of women and girls have been of particular concern to Liberation, as also expressed by the Commission on the Status of Women at its forty-first session.

7. The recurring situation of armed conflict in Sri Lanka amounts to genocide, causing physical and psychological abuse of Tamil women, owing to the continuing use of rape as a weapon of war, as documented by the Tamil Center for Human Rights (UK). Therefore, the perpetrators of these heinous crimes must be punished as rape has been recognized as a war crime by the International Tribunal on the Former Yugoslavia and also the Commission on Human Rights.

8. Ms. H.E. Warzazi, United Nations Special Rapporteur, in her report (E/CN.4/Sub.2/1997/10) emphasizes that "Governments must absolutely assume their responsibilities for protecting women before, during and after pregnancy". However, it was reported on 10 August 1997, by IBC Radio News Services, that a 36-year-old pregnant mother, Satheeswari Kanagaratnam from Thenmaradchi in the North, who was in labour, died of lack of medical care due to the continuing curfew, unable to obtain emergency medical attention. The military refused access to an ambulance during the curfew. There are many such cases reported by human rights organizations.

9. It is increasingly difficult to achieve minimal subsistence needs of food, shelter, clothing and medical care in the Vanni area. Tamil women and

their children and elders make up the bulk of the 700,000 internally displaced. Many women are the breadwinners of the family as some are widowed by the war and some men left the country for fear of persecution. Furthermore, the Sri Lankan Government heavily restricts the movement and distribution of humanitarian aid to the war victims. The many religious leaders who have worked many years in the area report that the present time is the worst they have seen. The Tamil women in Sinhala-controlled areas or in the makeshift camps are at risk of imminent catastrophe.

10. These eyewitnesses from the religious community also contradict the Sri Lankan Government's contention that Tamil civilians voluntarily turn themselves over to Sinhala-administered areas. Many so-called returnees are in fact bombed, and the only way they can flee is towards these areas. According to both Father Emmanuel and Father Daniel, who have spent long years in Vanni and Jaffna, the Sri Lankan army targets the civilians, who then move towards safer areas in a kind of round-up.

11. In contrast, the situation in Sri Lanka is difficult at best, but there are some positive indications under Tamil control. First of all, women play a major part in the Tamil civil administration, including in the civil police forces, the court systems, social services, educational facilities and in hospitals. Women in the Tamil-controlled areas play an increasing role in the economic development and in decision-making at every level as well. This has had a positive influence on ending some traditional practices detrimental to women, for example, the dowry system, the caste system, arranged marriage, property ownership and the preference for male children. In the Tamil-controlled areas, the girl child is as highly valued as the boy child. Violence against women has also diminished markedly, and women walk freely in the Tamil-controlled areas without fear of rape or other violence.

12. Part of the change in attitude is attributed to the role women play in the national liberation struggle. Margaret Trawick, a sociology professor at New Zealand University, spent some time in the field with the Tamil women in resistance. Her finding indicates that the vast majority of the women are between the ages of 18 and 28, that the women study as well as train, and that they are self-sufficient and dedicated to Tamil freedom.

13. Historically, wartime has enhanced the employment of women. In the Second World War, women played a major role in the resistance. Women also took over factory jobs, and were recruited as nurses and paramedics and office support staff. However, after the war, women retreated back into traditional roles. The heavy reliance on women in the Tamil areas may very well lead to a permanent improvement in the situation of women in Tamil society, as they are already active partners in civilian administration and play such a major role in the resistance.

14. The continued presence of the Sinhala army in the traditional homeland of the Tamils will lead to further violation of human rights and suppression of the development of Tamil women. The army do not speak or understand the Tamil language nor are they mindful of the culture and religions of the Tamils.

15. There is an almost total prohibition on both local and foreign media personnel and peace organizations going to the war zone to see for themselves what is happening and assess objectively the human rights situation there.

16. No amount of cooperation and training of the Sri Lankan military by the international community has yet got through to them as to what is simple morality and respect for women and mothers. Liberation has notified the Commission of 150 rapes in April 1996 alone, mostly Tamil women, committed by the Government's security forces.

17. Liberation also regrets the decision of the Sri Lankan Government not to accept assistance to bring about a just political solution to the Tamil national question, treating it as an internal matter.

18. Liberation appeals to the members of the Sub-Commission to take urgent measures to end the genocide situation existing in Sri Lanka today, and requests the Sri Lankan Government to withdraw its occupying army from the Tamil traditional homeland in order to prevent further violations of human rights and the rape of schoolgirls and Tamil women.

19. A fact-finding mission to Sri Lanka by the Special Rapporteur would be welcomed by Liberation, above all to assess the current state of human rights violations and violations of humanitarian law on the island and to recommend the best way of bringing peace.